D.B. Civil Writ Petition No.3966/2007.
(UoI & Anr. Vs. C.A.T., Jodhpur & Anr.)

Date : 09.07.2007

HON'BLE MR. P.B.MAJMUDAR, J.
HON'BLE MR. MUNISHWAR NATH BHANDARI, J.

Mr. Manoj Bhandari for the petitioner.

Heard learned counsel for the petitioner.

In our view, the Tribunal has considered all the relevant aspects of the matter while coming to the conclusion that pay of the applicant was required to be protected. The case of the applicant before the Tribunal was that he was engaged as a Casual Manson w.e.f. 8.1.1984. Thereafter, his category was changed from Mason to Carpenter and temporary stauts was conferred on him w.e.f 31.12.1986. In the year 1983, he was transferred from Suratgarh to Bhatinda. He also earned due increments regularly from time to time. Subsequently, he was placed in group 'D' and his pay was reduced. The applicant thereafter moved the Tribunal to protect his last drawn pay. The Tribunal after considering the Judgment of the Hon'ble Supreme Court in the case of **Badri Prashad and Ors Vs. Union of India and Ors.,** reported in 2006 (1) ATJ 543 came to the conclusion that last drawn salary of the applicant was required to be protected.

It is required to be noted that original applicant before the Tribunal was not granted promotion in group 'C' .As and when question regarding grant of promotion to group 'C' arises, he is required to pass trade test. However, the instant case is in connection with protecting the last pay drawn by the applicant. The Tribunal has rightly found that the ratio of the Hon'ble Supreme Court in the case of Inder Pal Yadav and Others Vs. Union of India and Others reported in 2005 (11) SCC 301, is not applicable so far as the controversy involved in the matter is concerned. The Tribunal has considered this aspect in para No.6 and 7 of the judgment. In our view, it cannot be said that the Tribunal has committed any error while coming to the conclusion that the last drawn salary of the applicant is required to be protected. The Tribunal has given cogent reasons for arriving at the said conclusion.

We,therefore, did not find any substance in this petition and the same is hereby dismissed in limine.

(MUNISHWAR NATH BHANDARI), J. (P.B.MAJMUDAR), J.